

THE EFFECTIVE DATE OF THIS ORDINANCE IS SEPTEMBER 2, 2003

ORDINANCE NO. 03-13-336

APFO Text Amendment APFO-03-01

RECITALS

Windsor Knolls Limited Partnership filed this Adequate Public Facilities Ordinance (APFO) Text Amendment application. This amendment was proposed to address developments halted by a moratorium or other legislation imposed because of inadequate water and/or sewer capacity.

The Frederick County Planning Commission considered this matter at its public meeting held on June 11, 2003 and continued the matter to July 9, 2003. At its July 9, 2003 public meeting, the Planning Commission voted to recommend approval of the request with certain revisions.

The Board of County Commissioners held a duly advertised public hearing on this ordinance on September 2, 2003. The public had an opportunity to comment on the proposed Ordinance at this public hearing.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that a new definition in Section 1-20-5(B) and a new subsection 1-20-8(K) of the Frederick County Code (1979) are hereby adopted to read as follows:

Sec. 1-20-5 (B) Definitions.

MORATORIUM. A MORATORIUM OR OTHER LEGISLATION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS PREVENTING THE RECORDATION OF PLATS OR HALTING A DEVELOPMENT BECAUSE OF INADEQUATE WATER OR SEWER CAPACITY.

Sec. 1-20-8. Approval of subdivision, site plans.

(Subsections (A) through (J) are unchanged)

- (K) (1) THE DEVELOPER MAY REQUEST THAT THE TIME OF APPROVAL FOR ADEQUATE PUBLIC FACILITIES FOR A DEVELOPMENT BE EXTENDED IF A MORATORIUM HAS BEEN IMPOSED.
- (2) THE PLANNING COMMISSION SHALL GRANT THE EXTENSION IF THE DEVELOPER ESTABLISHES EACH OF THE FOLLOWING:
 - (a) THE BOARD OF COUNTY COMMISSIONERS IMPOSED A MORATORIUM
 - (b) THE DEVELOPMENT HAD APFO APPROVAL AT THE TIME THE MORATORIUM WAS IMPOSED
 - (c) THE DIVISION OF UTILITIES AND SOLID WASTE MANAGEMENT CERTIFIES THAT WATER AND SEWER CAPACITY IS ADEQUATE TO SERVE THE DEVELOPMENT OR SUCH PORTION AS REQUIRED.
- (3) THE DURATION OF THE EXTENSION OF THE TIME OF THE APFO APPROVAL SHALL BE THE LONGER OF
 - (a) THE LENGTH OF TIME REMAINING FOR THE APFO APPROVAL AT THE TIME THE MORATORIUM WAS IMPOSED, OR
 - (b) ONE (1) YEAR.

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

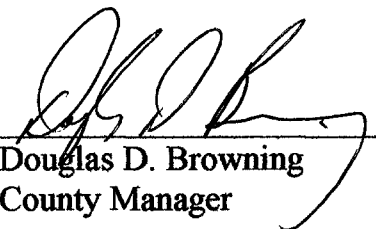
- (4) RETESTING OF PUBLIC FACILITIES, OTHER THAN WATER OR SEWER FACILITIES, SHALL NOT BE REQUIRED.
- (5) THE DEVELOPER MUST MAKE THIS REQUEST WITHIN SIX (6) MONTHS AFTER THE MORATORIUM EXPIRES.

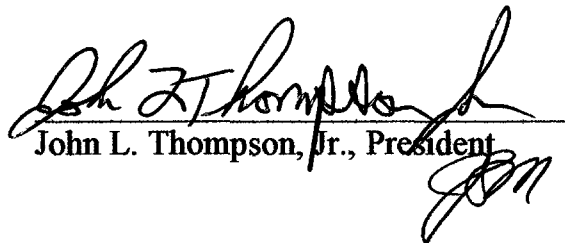
AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on September 2, 2003.

The undersigned hereby certifies that this Ordinance was approved and adopted on the 2nd day of September, 2003.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND


Douglas D. Browning
County Manager


John L. Thompson, Jr., President

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